



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, शनिवार, 31 मार्च, 2001/10 चैत्र, 1923

हिमाचल प्रदेश सरकार

MPP AND POWER DEPARTMENT

NOTIFICATIONS

Shimla-171002, the 30th December, 2000

No. MPP-A(7)-1/2000.—The Governor, Himachal Pradesh, in exercise of the powers vested in him under Section 17(1) of the Electricity Regulatory Commission Act, 1998, is pleased to establish One-Member Himachal Pradesh State Electricity Regulatory Commission (HP SERC), with immediate effect.

2. The Governor, Himachal Pradesh, in exercise of the powers conferred on him under Section 17(3) of the above Act, is further pleased to specify that the Head office of the Himachal Pradesh State Electricity Regulatory Commission (HP SERC) will be at Shimla.

(By order of the Governor)

HARSH GUPTA,
Addl. C.S.-cum-Secretary (Power) to the
Government of Himachal Pradesh.

Shimla-171002, the 6th January, 2001

No. MPP(B)3-1/2001.—In exercise of the powers conferred by Section 17(6) read with Section 19(1)(b) of H.P. State Electricity Regulatory Commission Act, 1998, the Governor, Himachal Pradesh, is pleased to appoint Sh. S.S. Gupta, Member (Operations), HPSEB as One Member Himachal Pradesh State Electricity Regulatory Commission, with effect from 6th January., 2001, for a term of 5 years from the date on which he enters upon his office or till he attains the age of 62 years, whichever is earlier.

By order,

HARSH GUPTA,
*Addl. C.S.-cum-Secretary (Power) to the
Government of Himachal Pradesh.*

HIMACHAL PRADESH STATE ELECTRICITY REGULATORY COMMISSION

OFFICE ORDER

Shimla, 8th February, 2001

HPSERC-3/1/2001-Estt.-46-55.—In exercise of the powers conferred under Section 21 of Electricity Regulatory Commission Act, 1998, the Himachal Pradesh State Electricity Regulatory Commission is pleased to appoint Sh. Dinesh Malhotra, HAS to function and discharge the duties of the Secretary, HPSERC.

By order,

S.S. GUPTA,
*Chief Executive Officer-cum-Member,
HPSERC, Vidyut Bhawan, Shimla.*

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
SHIMLA**

NOTIFICATION

Shimla-171004, the 28th February, 2001

No. HPERC/00021/2001/1.—In exercise of the powers conferred by Section 24 of the Electricity Regulatory Commission Act, 1998 (Act 14 of 1998), the Himachal Pradesh Electricity Regulatory Commission hereby constitutes the State Advisory Committee.

2. The Constitution of the State Advisory Committee shall come into effect on the date of its publication in the Government Gazette.
3. The term of appointment of the Members of the State Advisory Committee shall be one year from the date of publication of this notification in the Govt. Gazette.
4. The business of the State Advisory Committee shall be conducted in accordance with the guidelines so laid down by the Commission.
5. The objects of the State Advisory Committee shall be as laid down in Section 25 of the Electricity Regulatory Commissions Act, 1998.
6. The Chairman and Members of the Commission shall be the ex-officio Chairman & Members of the State Advisory Committee.
7. The State Advisory Committee shall comprise of the following members :-

Sr. No.	Name & Address	Designation in the Committee
1.	Mr. S.S. Gupta, HP Elec. Regulatory Commission, SHIMLA.	<i>Ex.-officio Chairman.</i>
2.	Mr. M.K. Sambhamurthy, Ex-Chairman, CEA, M-54 Swati Apartments, 12, IP Extension, PATPARGANJ, NEW DELHI-110092.	<i>Member</i>
3.	Mr. Suman Beri Director General, National Council of Applied Economic Research, NEW DELHI.	<i>Member</i>
4.	Mr. K. Balarama Reddi, Sr. Consultant, Administrative Staff College of India, Bella Vista, HYDERABAD.	<i>Member</i>

Sr. No.	Name & Address	Designation in the Committee
5.	Mr. K. Ramanathan, Sr. Fellow, Tata Energy Research Institute, Habitat Place, Lodhi Road, NEW DELHI.	<i>Member</i>
6.	Mr. Alok Sharma, Chairman, HP State Council Confederation of India Industries, Sec-31A, CHANDIGARH-160047.	<i>Member</i>
7.	Mr. Satish Bagrodia, Chairman, HP Committee PHDCCI, Winsome Group of Industries, SCO-144-145, Sec-3A, CHANDIGARH-160022.	<i>Member</i>
8.	Mr. Arun Suri, Morepen Industries, PARWANOO.	<i>Member</i>
9.	Mr. A.V. Giri, Executive Director, Malana Power Co. Ltd., LNG Bhilwara Group of Industries, Bhilwara Towers A-12. Sec-I, NOIDA-201301.	<i>Member</i>
10.	Mr. Sachit Jain Executive Director, Wardhman Spinning & General Mills Ltd. Sai Road, Tehsil Nalagarh, Distt. Solan, BADDI-173205 (HP).	<i>Member</i>
11.	Mr. Dhian Chand, Managing Director, Kufri Hotel Pvt. Ltd., Kufri, SHIMLA-171012 (HP).	<i>Member</i>
12.	Mr. P.K. Sud, Member (Operations), HPSEB, Vidyut Bhawan, SHIMLA-171004.	<i>Member</i>
13.	Mr. Anil Khachi, Chief Executive Officer, Himurja, Kasumpti, SHIMLA.	<i>Member</i>

Sr. No.	Name & Address	Designation in the Committee
14.	Mr. P.C. Dhiman, Director (Industries) H.P. Govt., Nigam Vihar, SHIMLA.	Member
15.	Mr. K.S. Narang, Labour Commissioner, HP Govt. SHIMLA.	Member
16.	Mr. J.C. Rana, Director (Agriculture), HP Govt., SHIMLA.	Member

The Secretary of the Commission shall also be the Secretary of the State Advisory Committee.

By order of the Commission,

Sd/-

S.S. GUPTA,
H.P. Electricity Regulatory Commission,
Vidyut Bhawan, Shimla-171004.

Sd/-

SECRETARY,
H.P. Electricity Regulatory Commission,
Shimla-171004.

Shimla-4, the 30th March, 2001

No. HPERC/CH/021/SS/VS.—In exercise of the powers conferred by Section 24 of the Electricity Regulatory Commissions Act, 1998 (Act 14 of 1998), the Himachal Pradesh Electricity Regulatory Commission hereby substitutes the name of "Shri J.P. Singh" in place of "Shri K.S. Narang", appearing at Sr. No. 15 of the Notification of even number dated 28-2-2001.

The other terms and conditions shall remain the same as enumerated in the Notification referred to above.

By Order of the Commission,

Sd/-

S.S. GUPTA,
H.P. Regulatory Commission,
Shimla-171004.

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
VIDYUT BHAWAN
SHIMLA-171 004**

NOTIFICATION

Appointment of Consultants Regulations, 2001

Shimla, the 23rd March, 2001

F.No.HPERC/152: -In exercise of power conferred on it by sub-section 2© of section 58 of the Electricity Regulatory Commissions Act,1998 (Act 14 of 1998) the Himachal Pradesh Electricity Regulatory Commission hereby makes the following Regulations, namely:-

1. Short title and commencement:

- i) These Regulations may be called "The Himachal Pradesh Electricity Regulatory Commission (Appointment of Consultants) Regulations, 2001".
- ii) These shall come into force with effect from April 1,2001.

2. Definitions:

- (1) In these Regulations unless the context otherwise requires –
 - a) "Act" means, Electricity Regulatory Commissions Act, 1998.
 - b) "Commission" means the Himachal Pradesh Electricity Regulatory Commission constituted under Section 17(1) of the Act.
 - c) "Consultant" includes any individual, firm, body or association or persons, not in the employment of the Commission, who or which possesses or has access to any specialised knowledge, experience or skill.
 - d) "Officer" means an officer of the Commission.
 - e) "Secretary" means the Secretary of the Commission.
- (2) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act.

3. Scope of Work:

- a) Consultants will not be normally appointed for routine day to day work for which staff is available.

- b) Consultants would be engaged for executing specialised tasks for which skills are either not available within the staff of the Commission or where the nature of job is specific and time-bound.
- c) Detailed terms of engagement will be drawn up in each case and agreed to between the Consultant and the Commission prior to award of consultancy.
- d) The terms of engagement would specify the exact nature of the tasks to be undertaken by the Consultant, the time allowed for completion of each task and the specific outputs that are to be provided by the Consultant in relation to each task.

4. Period of engagement:

Consultants will be engaged for the minimum period required. In no case will the maximum period of engagement exceed two years.

5. Categorisation of Consultants:

- a) Individual consultants will be categorised into three groups based on their expertise and experience, as per the table given below:

Category	Minimum Qualifications	Minimum Experience
Advisers	Ph.D	15 years
Advisers	Masters Degree	18 years
Sr. Consultants	Ph.D	8 years
Sr. Consultants	Masters Degree	12 years
Consultants	Ph.D	3 years
Consultants	Masters Degree*	5 years

*In the case of lawyers, Accountants and Engineers, the minimum Educational qualifications will be the relevant professional qualification.

- b) The Commission may in appropriate case, for reasons to be recorded in writing, relax the minimum educational qualifications keeping in view the overall expertise and experience of the person being considered for engagement as Consultant.

6. Fees & Other charges:

- a) A consolidated fee at the rates mentioned below would be payable for each category of individual Consultant.
- b) No other payments apart from the consolidated fee will be paid except an additional amount to cover contingencies, which will be capped at an amount of 10% of the fees payable.
- c) Where the Consultants has to incur expenditure on travel and stay at a place away from the normal place of residence, the Commission will reimburse DA by allowing an additional expenditure in lump sum as indicated in the table below. The number of days on which this lump sum will be payable will be determined as appropriate in each case. The cost of travel will be separately reimbursed by an appropriate class of travel, which will never be lower than that permitted for a Grade -I gazetted officer of the Government of Himachal Pradesh.

Category	Fee for Man-day (Rs.)	Lump sum per day for Daily Allowance (Rs.)
Advisers	3000/-	2000/-
Sr. Consultants	2000/-	1500/-
Consultants	1200/-	1000/-

- d) These regulations regarding fees payable will also apply to former and retired Government servants engaged as Consultants.
- e) In the case of an institutional consultant the rates for different categories of individual consultants will be used to determine the reasonableness of costs allocated to consultant time in the proposal. In addition to the costs for consultant time a maximum of 10% of the fees payable will be allowable for overheads on account of office expenditure like telephone, photocopying, fax, expenses etc. The limit for contingency in the case of institutional consultant will be 10% of the fees payable for consultant time besides the amount allowed as overhead for office expenses.

7. Appointment of Consultants:

- a) Terms of Reference for the appointment of Consultants for specific tasks will be prepared by an officer of the Commission and will be submitted to the Secretary for seeking the approval of the Commission.
- b) The Secretary will ensure that budgetary provision exists for the proposal prior to putting the proposal up for consideration by the Commission.

- c) The scope of the services described in the TOR shall be compatible with the available budget.
- d) The Commission may decide either to invite combined technical and financial proposals or separate technical and financial proposals.
- e) The Commission will prescribe the minimum qualifying mark for the technical bid.
- f) After approval of the Terms of Reference by the Commission, the Secretary will cause the Request for Proposals to be issued inviting proposals from interested consultants, ensuring that appropriate publicity is given in each case. It will not however, be necessary to go through the process of issue of public advertisement particularly where the value of the fee is below Rs.2 lakh in each case.

8. Request for proposals:

The request for proposal shall include the following:

- a) A letter of invitation stating the intention of the commission to enter into a contract for provision of a consulting services, the source of funds, the details of the plan and the date, time and address for submission of proposals.
- b) Information to Consultants shall contain all necessary information that will help Consultants prepare responsive proposals by providing information on the evaluation process and by indicating the evaluation criteria and factors and their respective weights and the minimum pre-qualification score.
- c) Terms of reference shall be prepared to define clearly the objectives, goals and scope of the assignment and provide background information including a list of existing relevant studies and basic data to facilitate the Consultants preparation of their proposals. If transfer of knowledge, training is an objective the TOR will detail the number of staff to be trained. TOR shall list the services and surveys necessary to carry out the assignment and the expected outputs (for example reports, data, surveys, evaluation, assessment etc.) linked to each task in the TOR.
- d) Draft contract shall be as per performa in Schedule 1.

9. Receipt of proposals:

- a) Enough time shall be allowed for the Consultant to prepare and submit their proposals. While the time allowed shall depend on the assignment, it will normally be not less than two weeks, during which period firms may seek clarifications about the information provided in the TOR.
- b) The Commission may decide to extend the deadline for submission of proposals, as deemed appropriate by it.

- c) No amendments to the technical or financial proposals shall be accepted after the deadline except before a negotiating committee appointed by the Commission. The proposals shall be submitted in sealed cover. Where the Commission prescribes that separate technical and financial proposals are to be submitted they shall be submitted in separate sealed envelopes.

10. Evaluation of proposals:

Proposals will be evaluated both on the basis of quality as well as cost. Where the Commission decides that proposals are to be evaluated separately on technical and financial basis, the evaluators of the technical proposal shall not have access to the financial proposals, until the technical evaluation is completed.

11. Technical Evaluation:

- a) Technical evaluation will be done by a Committee nominated by the Commission taking into account the following criteria. Each criterion shall be marked on a scale of 1 to 100 and then the marks for each criteria shall be weighted to become average technical scores. Weights in the following ranges will be used by the technical committee with the approval of the Commission to calculate the weighted average technical score for each proposal:

Criterion	Range of Weights
The Consultants relevant experience for the assignment	0.10 to 0.20
The quality of the methodology proposed.	0.20 to 0.50
The qualifications of the key staff proposed.	0.30 to 0.60
The extent of transfer of knowledge to the staff of the Commission.	0.00 to 0.05

Note: The mix of weights approved by the Commission must total to 1.

- b) Where the assignment depends critically on the performance of the key staff the proposal shall be evaluated on the basis of qualifications of the individuals proposed to be appointed using the following criteria:
- General qualifications:* General education and training, length of experience, positions held, time with the consulting firm as staff, experience in developing countries etc.
 - Adequacy for the assignment:* Education, training, experience in the specific sector, field, subject and relevance to the particular assignment.
 - Regional Experience:* Knowledge of the administrative system, organisation and culture at the local/regional level.
- c) After the technical evaluation is completed the Commission shall inform those Consultants whose proposals did not meet the minimum qualifying mark or were considered non-responsive to the terms of reference and

their financial proposals will be returned unopened after completing the selection process. Simultaneously, those Consultants who have secured the minimum qualifying marks shall be informed about the date and time for opening the financial proposals giving sufficient time for the Consultants to be present at the opening should they so desire.

12. Financial Evaluation:

- a) The financial proposals of the pre-qualified Consultants will be opened publicly. The proposed prices shall be read aloud and recorded in a minute of the public opening.
- b) The Secretary will cause a review of the financial proposals to be done. Arithmetical errors will be corrected. The cost will be converted to a single currency using uniform selling (exchange) rates.
- c) The proposal with lowest cost will be given financial score of 100 and other proposals given financial scores that are inversely proportional to their prices.

13. Evaluation of financial and technical scores:

- a) The total score shall be obtained by weighting the technical and financial scores and adding them. The weight for the financial score shall be as prescribed by the Commission in each case taking into account the complexity of the assignment and the relative importance of quality. However, the weight will never exceed 0.3 for the financial score in any case.
- b) The Commission may appoint a negotiating committee to enter into both technical and financial negotiations. Where technical negotiations are conducted they will be completed prior to pre-qualification of the Consultants. Financial negotiations can be entered into for any aspect of the financial proposal including the unit rates for staff months, contingency amounts, lump sum reimbursement of travel and living expenses and payment terms.
- c) The Commission may reject all proposals if they are found to be unresponsive or unsuitable either because they represent major deficiencies in complying with the TOR or they involve cost substantively higher than the original estimate.

14. Single source selection:

Single source selection shall be used only in exceptional cases where it is appropriate and represents a clear advantage because the tasks represent a natural continuation of previous work carried out by the Consultant, or where a rapid selection is essential, or for very small assignments where the fee payable does

not exceed Rs. 2 lakhs in each case or where only one firm is qualified or has experience for the assignment.

15. Selection of individual Consultants:

- a) Individual Consultant will be employed for assignments for which teams of personnel are not required, no additional outside (home office) professional support is required and where the experience and qualifications of the individual are the paramount requirement.
- b) Individual Consultants will be selected on the basis of their qualifications for the assignment. They may be selected on the basis of references or through comparison of qualifications among those expressing interest in the assignment or approached directly by the Commission. Capability will be judged on the basis of academic background, experience and as appropriate – knowledge of local conditions, administrative system and government organisation.

16. Conflict of interest:

Consultants shall not be hired for any assignment that would be in conflict with their prior or current obligations to other clients or that may place them in a position of not being able to carry out the assignments objectively and impartially.

17. Saving of inherent power of the Commission:

Nothing in these provisions shall bar the Commission from adopting a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure prescribed in the regulations.

18. General Power to amend:

The Commission may at any time and on such terms as it may think fit amend any provisions of these Regulations for the purpose of meeting the objectives with which these Regulations have been framed.

19. Power to remove difficulties:

If any difficulty arises in giving effect to any of the provisions of these Regulations the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act which appears to it to be necessary or expedient for the purpose of removing the difficulties.

BY ORDERS
SD/-
ONE MEMBER COMMISSION

SCHEDULE -I

ARTICLES OF AGREEMENT made on this----- day of----- BETWEEN ----- of---- of the one part and the Himachal Pradesh Electricity Regulatory Commission (hereinafter called "the Commission") of the other part.

WHEREAS the Commission has engaged the party of the first part as a Consultant and the party of the first part has agreed, to provide the consultancy services to the Commission, on the terms and conditions hereinafter contained.

NOW THESE PRESENTS WITNESS and the parties hereto respectively agree as follows:

1. The party of the first part shall submit himself to the orders of the Commission and of the officers and authorities under whom he may from time to time be placed by the Commission.
2. The party of the first part shall complete the assignment as contained in Annexure 'A' within a period of --- commencing from----
3. The party of the first part shall be paid as under:
4. The schedule of payments shall be as under:
5. NO TA/DA shall be admissible to the party of the first part for local journeys in connection with the consultancy assignment.
6. The party of the first part shall not disclose to any unauthorised person any information and data that may be supplied to him by the Commission or by any other organisation, under the directions of the Commission. All such documents or any

information that may have come to his knowledge directly or indirectly by virtue of the assignment shall be the property of the Commission.

7. The party of the first part undertakes that this assignment shall not be in conflict with his prior or current obligation to other clients nor shall it place him in a position of not being able to carry out the assignments objectively and impartially.

8. In case of any default on the part of the party of the first part in completion of the work within the time schedule agreed to between the parties as herein above, the party of the second part shall be at liberty to get the work completed from any other agency at the risk and cost of the party of the first part.

9. In case of any differences or disputes between the parties arising out of this Agreement, it shall be referred for arbitration of a person nominated by the Commission. The proceedings shall be subject to the Arbitration and Conciliation Act, 1996, as amended from time to time.

10. The payment of fee to the party of first part shall be made by the Commission after the deduction of tax at source in accordance with law for the time being in force.

11. The Commission reserves its right to foreclose, terminate or cancel the engagement of the Consultant without assigning any reasons. In such cases party of the first part shall be paid remuneration after taking into consideration the part of work completed prior to such foreclose, termination or cancellation of the engagement as may be decided by the Commission, and the decision of the Commission shall be conclusive and binding. The remuneration so fixed and paid shall be deemed to be the final payment in such cases.

12. In respect of any matter for which no provision has been made in this agreement, the provisions contained in the general instructions of the Government on the subject of engagement of consultants shall apply.

In witness whereof the party of the first part and..... to the Commission on behalf of the Commission have hereto put their hands the day and the year first above written.

Signed by..... the party of the first part in the presence of....

Signed by..... the said of the Commission for and on behalf of the Commission in the presence of.....

Himachal Pradesh Electricity Regulatory Commission**Notification****Conduct of Business Regulations, 2001**

Shimla, the 23rd April, 2001

F.No.HPERC/151: In exercise of the powers conferred on it by section 58 of the Electricity Regulatory Commission Act, 1998 (Act 14 of 1998), the Himachal Pradesh Electricity Regulatory Commission hereby makes the following Regulations, namely:

Chapter I**General****1. Short title, commencement, and interpretation**

- (i) These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2001.
- (ii) They shall come into force on the date of their publication in the official Gazette.
- (iii) They extend to the whole of the State of Himachal Pradesh.

2. Definitions

- (i) In these Regulations, unless the context otherwise requires:
 - (a) 'Act' means the Electricity Regulatory Commissions Act (Act 14 of 1998);
 - (b) 'Commission' means the Himachal Pradesh Regulatory Commission constituted under the Act;
 - (c) 'Officer' means an officer of the Commission;
 - (d) 'Petition' means and includes all petitions, applications, complaints, appeals, replies, rejoinders, supplemental pleadings, other papers and documents;
 - (e) 'Proceedings' means and includes proceedings of all nature that the Commission may hold in the discharge of its functions under the Act;
 - (f) 'Regulations' means these Regulations;
 - (g) 'Secretary' means the Secretary of the Commission;
- (ii) Words or expressions occurring in these Regulations and not defined herein but defined in the Act shall bear the same meaning as in the Act.

3. **Commission's Office, office hours and sittings**

- (i) The place(s) of the office(s) of the Commission may, from time to time, be specified by the Commission, by an order made in that behalf. The present location of the office shall be at Vidyut Bhawan, Shimla-171004.
- (ii) Unless otherwise directed, the headquarters and other offices of the Commission shall be open daily except on second Saturday of every month, Sundays and holidays notified by the Government of Himachal Pradesh. The headquarters and other offices of the Commission shall be open at such times as the Commission may direct. At present the working hours of the Commission shall be from 10.00 AM to 5.00 PM. The lunch break shall be from 1.30 PM to 2.00 PM.
- (iii) Where the last day for doing of any act falls on a day on which the office of the Commission is closed and by reasons thereof the act cannot be done on that day, it may be done on the next day on which the office is open.
- (iv) The Commission may hold sittings for hearing matters at the headquarters or any other place on days and time to be specified by the Commission.

4. **Language of the Commission**

- (i) Unless otherwise permitted by an order of the Commission, the Proceedings of the Commission shall be conducted in English/Hindi/any other language notified by Govt. of Himachal Pradesh for conduct of official business.
- (ii) No Petition, document or other material contained in any language other than those included in Clause 4(i) above may be accepted by the Commission, unless the same is accompanied by a translation thereof in one of such languages.
- (iii) Any translation which is agreed to, by the parties to the Proceedings, or which any of the parties may furnish with an authenticity certificate of the persons who had translated the same in a language recognised by the Commission, may be accepted by the Commission as a true translation.
- (iv) The Commission may in appropriate cases direct translation of the petitions, pleadings, documents and other material to English by an officer or person designated by the Commission for the purpose.

5. Commission to have seal of its own

- (i) There shall be a separate seal indicating that it is the seal of the Commission.
- (ii) The official seal of the Commission shall be as under:-
- (iii) Every order or communication made, notice issued or certified copy granted by the Commission shall be stamped with the seal of the Commission and shall be certified by an officer designated for the purpose.

6. Officers of the Commission

- (i) Appointments
 - (a) The Commission shall have the power to appoint Secretary, officers and other employees for discharging various duties. It may also prescribe the qualifications, experience and other terms and conditions for the appointment of such officers and other employees in conformity with the procedure laid down in the Act.
 - (b) The Commission may appoint Consultants to assist the Commission in the discharge of its functions.
- (ii) The Secretary
 - (a) The Secretary shall be the Principal Officer of the Commission and shall exercise his powers and perform his duties under the control of the Chairperson.
 - (b) The Commission in discharge of its functions under the Act, may take such assistance from the Secretary as it may deem fit and the Secretary shall be bound to assist the Commission.
- (iii) In particular and without prejudice to the generality of the above provisions, the Secretary shall have the following powers and perform the following duties, viz:

- (a) he shall have custody of the records and the seal of the Commission;
- (b) he shall receive or cause to receive all petitions, applications or references pertaining to the Commission;
- (c) he shall prepare or cause to be prepared briefs and summaries of all pleadings presented by various parties in each case before the Commission in the discharge of its functions in this regard;
- (d) he shall assist the Commission in the proceedings relating to the powers exercisable by the Commission;
- (e) he shall authenticate the orders passed by the Commission;
- (f) he shall ensure compliance of the orders passed by the Commission; and
- (g) he shall have the right to collect from the Himachal Pradesh Government or other offices; companies and firms or any other party as may be directed by the Commission, such information as may be considered useful for the purpose of efficient discharge of the functions of the Commission under the Act and place the information before the Commission.

7. Delegation of Powers

- (i) The Commission may delegate to its officers such functions including functions that may be required by these regulations to be exercised by the Secretary on terms and conditions the Commission may specify for the purpose.
- (ii) The Secretary may, with the approval of the Commission, delegate to any Officer of the Commission any function required by these Regulations or otherwise, to be exercised by the Secretary.
- (iii) In the absence of the Secretary, such other Officer of the Commission, as may be designated by the Chairman, may exercise all the functions of the Secretary.
- (iv) The Commission shall, at all times have the authority, either on an application made by any interested or affected party or *suo moto*, to review, revoke, revise, modify, amend, alter or otherwise change any order made or action taken by the Secretary or the Officers of the Commission, if the Commission considers the same to be appropriate.

8. Recognition And Participation of Consumer Associations

- (i) It shall be open to the Commission to permit any association/forum or other bodies corporate or any group of consumers to participate in any proceedings before the Commission on such terms and condition, in regard to the nature and extent of participation, that the Commission may consider appropriate.
- (ii) It shall be open to the Commission for the sake of timely completion of proceedings, to direct grouping of associations/groups/fora referred to above for submission of respective petitions/affidavits collectively.
- (iii) The Commission may as and when considered appropriate notify a procedure for recognition of associations, groups, fora or bodies corporate as registered consumer association for purposes of representation before the Commission.
- (iv) The Commission may appoint any officer or any other person to represent consumers' interests if considered necessary.
- (v) The Commission may direct payment to the officer or person appointed to represent the consumers' interest such fees, costs and expense by such of the parties in the proceedings as the Commission may consider appropriate.

Chapter II

General Rules Concerning the Proceedings Before the Commission

9 Proceedings etc. before the Commission

The Commission may from time to time hold hearings, meetings, discussions, deliberations, inquiries, investigations and consultations, as it may consider appropriate in the discharge of its functions under the Act.

10. Authority to represent

A Person may authorise an advocate or a member of any statutory professional body, holding a Certificate of Practice, as the Commission may from time to time specify, to represent him and to act and plead on his behalf before the Commission. The person may also appear himself or may authorise any of his employees to appear before the Commission and to act and plead on his behalf.

The Commission may from time to time specify the terms and conditions subject to which a person may authorise any other person to represent him and act and plead on his behalf.

11. Initiation of Proceedings

- (i) The Commission may initiate any Proceedings *suo moto* or on a Petition filed by any affected or interested person.
- (ii) The notice of the initiation of the proceedings may be issued by the Commission, and the Commission may give such orders and directions as may be deemed necessary, for service of notices to the affected parties, the filing of reply and rejoinder in opposition or in support of the Petition in such form as it may direct. The Commission may, if it considers appropriate, issue orders for publication of the petition inviting comments on the issues involved in the proceedings in such form as the Commission may direct.
- (iii) While issuing the notice of inquiry the Commission may, in appropriate cases, designate an Officer of the Commission or any other person whom the Commission considers appropriate to present the matter in the capacity of a petitioner in the case.

12. Petitions and pleadings before the Commission and Fees payable

- (i) All Petitions to be filed before the Commission shall be typewritten cyclostyled or printed neatly and legibly on one side of white paper and every page shall be consecutively numbered. The Commission will accept petitions filed with a Computer Disk or through Electronic Media on such terms and conditions as the Commission may specify. The contents of the Petition should be divided appropriately into separate paragraphs, which shall be numbered serially. The Petition shall be accompanied by such documents, supporting data and statements as the Commission may specify.
- (ii) Every petition/application filed before the Commission shall be accompanied by fee in accordance with the provisions of Chapter VII.
- (iii) The fee received shall be entered into the register prescribed for the purpose in the Form CB-1 (Annexure I).

13. General headings

The general heading in all Petitions before the Commission and in all publications and notices shall be in Form CB-2 (Annexure II).

14. Affidavit in support

- (i) The petitions shall be verified by an affidavit and every such affidavit shall be in Form CB-3 (Annexure III).
- (ii) Every affidavit shall be drawn up in the first person and shall state the full name, age, occupation and address of the deponent and the capacity in which he is signing and shall be signed and sworn before a person lawfully authorised to take and receive affidavits.
- (iii) Every affidavit shall clearly and separately indicate the statements, which are true to the:
 - (a) knowledge of the deponent;
 - (b) information received by the deponent; and
 - (c) belief of the deponent.
- (iv) Where any statement in the affidavit is stated to be true to the information received by the deponent, the affidavit shall also disclose the source of the information and a statement that the deponent believes that information to be true.
- (v) In accordance with section 193 of the Indian Penal Code, 1860, whoever intentionally gives false evidence in any of the proceedings of the Commission or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.

15. Presentation and scrutiny of the Petitions

- (i) All Petitions shall be filed with ten copies and each set of the Petition shall be complete in all respects. The fees as may be prescribed by the Commission shall be payable alongwith the petition.
- (ii) All Petitions shall be presented in person or by any duly authorised agent or representative at the headquarters or such other filing centre or centres as may be notified by the Commission from time to time and during the time notified. The Petitions may also be sent, by registered post acknowledgement due, to the Commission at the places mentioned above. The *vakalatnama* in favour of the advocate and, in the event the Petitions are presented by an authorised representative, the document authorising the representative shall be filed along with the Petition, if not already filed on the record of the case. Any person other than a legal practitioner

representing a party before the Commission shall file a Memorandum of Appearance, in Form CB-4 (Annexure IV), duly signed by him.

- (iii) Upon the receipt of the Petition the Officer of the Commission designated for the purpose of receiving the Petition, shall acknowledge the receipt by stamping and endorsing the date on which the Petition has been presented and shall issue an acknowledgement with stamp and date to the person filing the Petition. In case the Petition is received by registered post, the date on which the Petition is actually received at the office of the Commission shall be taken as the date of the presentation of the Petition.
- (iv) The presentation and receipt of the Petition shall be duly entered in the register maintained for the purpose by the office of the Commission. The said register shall be as per the format given in Form CB-5 (Annexure V).
- (v) The Receiving Officer may decline to accept any Petition which does not conform to the provisions of the Act or the Regulations or directions given by the Commission or is otherwise defective or which is presented otherwise than in accordance with the regulations or directions of the Commission.
 - (a) Provided, however, that no petition shall be refused for defects in the pleadings or in the presentation, without giving an opportunity to the person filing the petition to rectify the defects within the time which may be given for the purpose. The Receiving Officer shall advise in writing the person filing the petition, of the defects in the petition filed, in format as per Form CB-6 (Annexure VI).
- (vi) A person aggrieved by any order of the Receiving Officer in regard to the presentation of the Petition may request the matter to be placed before the Secretary of the Commission for appropriate orders.
- (vii) The Chairman shall be entitled to call for the Petition presented by the party and give such directions regarding the presentation and acceptance of the Petition as he considers appropriate.
- (viii) If on scrutiny, the Petition is not refused or any order of refusal is rectified by the Secretary or by the Chairman of the Commission, the Petition shall be duly registered and given a number in the manner to be specified by the Commission.

- (ix) As soon as the Petition and all necessary documents are lodged and the defects and objections, if any, are removed, and the Petition has been scrutinised and numbered, the Petition shall be put up before the Commission for preliminary hearing and admission.
- (x) The Commission may admit the Petition for hearing without requiring the attendance of the party. The Commission shall not, pass an order refusing admission without giving the party concerned an opportunity of being heard. The Commission may, if it considers appropriate, issue notice to such person or persons, as it may desire, to hear the petition for admission.
- (xi) If the Commission admits the Petition, it may give such orders and directions, as may be deemed necessary, for service of notices to the respondent(s) and other affected or interested parties; for the filing of replies and rejoinder in opposition or in support of the Petition in such form as the Commission may direct and for the petition to be placed for hearing before the Commission.

16. Service of notices and processes issued by the Commission

- (i) Any notice, process or summons to be issued by the Commission may be served by any one or more of the following modes as may be directed by the Commission:
 - (a) service by any of the parties to the proceedings as may be directed by the Commission;
 - (b) by hand delivery through a messenger;
 - (c) by registered post with acknowledgement due;
 - (d) by publication in newspaper in cases where the Commission is satisfied that it is not reasonably practicable to serve the notices, processes, etc. on any person in the manner mentioned above.
 - (e) In any other manner as considered appropriate by the Commission.
- (ii) The Commission shall be entitled to decide in each case the persons who shall bear the cost of such service/publication.
- (iii) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries on business or personally works for gain.

- (iv) In the event any matter is pending before the Commission and the person to be served has authorised an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and service on such agent or representative shall be taken as due service on the person to be served.
- (v) Where a notice is served by a party to the proceedings either in person or through registered post, an affidavit of service shall be filed by such party with the Commission giving details of the date and manner of service of notices and processes.
- (vi) Where any Petition is required to be published, it shall be published in such form in the newspapers to be specified, for such duration and within such time as the Commission may direct.
- (vii) In default of compliance with the requirements of the Regulations or directions of the Commission as regards the service of notices, summons or processes or the publication thereof, the Commission may either dismiss the Petition or give such other or further directions as it thinks fit.
- (viii) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Commission is satisfied that such service is in other respects sufficient, and no proceeding shall be invalidated by reason of any defect or irregularity unless the Commission, on any objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

17. Filing of reply, opposition, objections, etc.

- (i) Each person to whom the notice of inquiry or the Petition is issued (hereinafter called the 'respondent') who intends to oppose or support the Petition shall file the reply and the documents relied upon within such period with ten copies. In the reply filed, the respondent shall specifically admit, deny or explain the facts stated in the notice of inquiry or the Petition and may also state such additional facts as he considers necessary for just decision of the case. The reply shall be signed and verified and supported by affidavit in the same manner as in the case of the Petition.
- (ii) The respondent shall serve a copy of the reply along with the documents duly attested to be true copies on the petitioner or his authorised representative and file proof of such service with the office of the Commission.

- (iii) Where the respondent states that additional facts may be necessary for the just decision of the case, the Commission may allow the petitioner to file a rejoinder to the reply filed by the respondents. The procedure mentioned above for filing of the reply shall apply *mutatis mutandis* to the filing of the rejoinder.
- (iv) Filing of objections or comments
 - (a) Every person who intends to file objection or comments in regard to a matter pending before the Commission, pursuant to the publication made for the purpose (other than the persons to whom notices, processes, etc. have been issued calling for reply) shall deliver to an Officer, designated by the Commission for the purpose, the statement of the objection or comments with copies of the documents and evidence in support thereof within the time fixed for the purpose.
 - (b) The Commission may permit such person or persons including associations, fora and bodies corporate as it may consider appropriate to participate in the proceedings before the Commission if, on the report received from the Officer, the Commission considers that the participation of such person or persons will facilitate the proceedings and the decision in the matter.
 - (c) Unless permitted by the Commission, the person filing objection or comments shall not necessarily be entitled to participate in the proceedings to make oral submissions. However, the Commission shall be entitled to take into account the objections and comments filed after giving such opportunity to the parties to the proceedings as the Commission considers appropriate to deal with the objections or comments.

18. Hearing of the matter

- (i) The Commission may determine the stages, manner, the place, the date and the time of the hearing of the matter, in the manner it may consider appropriate.
 - (a) The Commission may decide the matter on the pleadings of the parties or may call for the parties to produce evidence by way of affidavit or lead oral evidence in the matter.
 - (b) If the Commission directs evidence of a party to be led by way of oral submission, the Commission may, if considered necessary or

expedient, grant an opportunity to the other party to cross-examine the persons giving evidence.

(c) The Commission may, if considered necessary or expedient, direct that the evidence of any of the parties be recorded by an Officer or person designated for the purpose by the Commission.

(d) The Commission may direct the parties to file written note of arguments or submissions in the matter.

19 Powers of the Commission to call for further information, evidence, etc.

- (i) The Commission may, at any time before passing orders on any matter, require the parties or any one or more of them or any other person whom the Commission considers appropriate, to produce such documentary or other evidence as the Commission may consider necessary for the purpose of enabling it to pass orders.
- (ii) The Commission may direct the summoning of the witnesses, discovery and production of any document or other material objects producible in evidence, requisition of any public record from any office, examination by an Officer of the Commission the books, accounts or other documents or information in the custody or control of any person which the Commission considers relevant to the matter.
- (iii) In accordance with the section 193 of the Indian Penal Code, 1860, who ever intentionally gives false evidence in any of the proceedings of the Commission or fabricates false evidence for the purpose of being used in any of the proceedings shall be punishable with imprisonment of either description for a term which may extend to seven years and shall also be liable to fine.
- (iv) In accordance with section 228 of the Indian Penal Code, 1860 who ever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1000 or with both.
- (v) In accordance with section 219 of the Indian Penal Code, 1860, whoever, being a public servant, corruptly or maliciously makes or pronounces in any stage of a judicial proceeding any report, order, verdict, or decision which he knows to be contrary to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

20. Reference of issues to others

- (i) At any stage of the Proceedings, the Commission shall be entitled to refer such issue or issues in the matter as it considers appropriate to persons including, but not limited to, the Officers and consultants of the Commission whom the Commission considers as qualified to give expert advice or opinion.
- (ii) The Commission may nominate from time to time any person including, but not limited to, the Officers and consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities therein.
- (iii) The Commission, if it thinks fit, may direct the parties to appear before the persons designated in clause (i) or (ii) above to present their respective views on the issues or matters referred to.
- (iv) The report or the opinion received from such person shall form a part of the record or the case and the parties shall be given the copies of the report or opinion given by the person(s) designated by the Commission. The parties shall be entitled to file their version either in support or in opposition to the report or the opinion.
- (v) The Commission shall duly take into account the report or the opinion given by the person, the reply filed by the parties while deciding the matter and if considered necessary the examination before the Commission of the person giving the report or the opinion.

21. Procedure to be followed where any party does not appear

- (i) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any of the parties or its authorised agent or representative does not appear when the matter is called for hearing, the Commission may, in its discretion, either dismiss the Petition for default when the petitioner or the person who moves the Commission for hearing is in default or proceed ex-parte.
- (ii) Where a Petition is dismissed in default or decided ex-parte, the person aggrieved may file an application within 30 days from the date of such dismissal or being proceeded ex-parte, as the case may be, for recall of the order passed, and the Commission may recall the order on such terms as it thinks fit, if the Commission is satisfied that there was sufficient cause for the non appearance when the Petition was called for hearing.

22. Orders of the Commission

- (i) The Commission shall pass orders on the Petition and the Chairman shall sign the orders.
- (ii) The reasons given by the Commission in support of the orders, if any, shall form a part of the order and shall be available for inspection and supply of copies in accordance with these Regulations.
- (iii) All orders and decisions issued or communicated by the Commission shall be certified by the signature of the Secretary or an Officer empowered in this behalf by the Chairman and bear the official seal of the Commission.
- (iv) All final orders of the Commission shall be communicated to the parties to the Proceedings under the signature of the Secretary or an Officer empowered in this behalf by the Chairman or the Secretary.

23. Inspection of records of Proceedings

- (i) Records of every Proceedings, except those parts which for reasons specified by the Commission are confidential or privileged or otherwise not to be disclosed to any person, shall be open to inspection either during the Proceeding or after the orders have been passed, subject to such person complying with such terms as the Commission may direct from time to time including in regard to time, place, and manner of inspection and payment of fees.
- (ii) The application for inspection of documents shall be in the Form CB-7 (Annexure VII) and shall be accompanied by a fee of Rs. 100/- for each inspection for one day in the form of Demand Draft/Pay Order in favour of Secretary, Himachal Pradesh Electricity Regulatory Commission, Shimla.
- (iii) The inspection of records shall be allowed on any working day ordinarily during 1430 hours to 1630 hours in the presence of an officer authorised for that purpose.
- (iv) The person inspecting the records shall not in any manner cause dislocation, mutilation, tampering or damage to records in the course of inspection.
- (v) The officer supervising the inspection may at any time prohibit further inspection if in his opinion any of the records are likely to be damaged in

the process of inspection and shall immediately, make a report about the matter to the Secretary and seek further orders on the matter.

- (vi) A register for inspection of records in the format as per Form CB-8 (Annexure VIII) shall be maintained.

24. Supply of Certified Copies of Documents

- (i) Any person shall be entitled to obtain certified copies of the orders, decisions, directions and reasons in support thereof given by the Commission as well as the pleadings, papers and other parts of the records of the Commission to which he is entitled to inspect on payment of fee and complying with other terms which the Commission may direct.

- (ii) Every order granting, refusing or modifying interim relief and final order shall be communicated to the parties to the petition free of cost.

Provided that unless ordered otherwise by the Commission, a copy of the final order, may not be sent to any party who has not entered appearance.

- (iii) Any person desirous of obtaining a certified copy of any order of the Commission or any document forming part of the record of proceedings before the Commission, may submit an application in the prescribed Form CB-9 (Annexure IX).

- (iv) The application for certified copy shall be accompanied by the fee of Rs. 50/- in the form of Demand Draft/Pay Order in favour of Secretary, Himachal Pradesh Electricity Regulatory Commission, Shimla.

- (v) A Register of Copy applications shall be maintained in the form as prescribed in Form CB-10 (Annexure X).

- (vi) As far as practicable, the certified copies shall be prepared in the order in which the applications are entered in Register of Copy Applications.

- (vii) The certified copies shall be prepared by photocopying process or by typing and when the copy is so made, it shall be compared by the person preparing the copy, to satisfy himself that the copy prepared faithfully and legibly reproduces the document desired.

- (viii) An endorsement as under shall be affixed on the reverse of the last page of the document.

- (a) Sl. No. of the application.
- (b) Name of the applicant

- (c) Date of presentation of the application
- (d) No. of pages
- (e) Copying fee charged
- (f) Date on which copy is ready
- (g) Date of delivery

- (ix) The endorsement shall be made with the help of a rubber stamp got prepared for the purpose. The entries shall be made in ink.
- (x) The copying fee payable for obtaining a certified copy shall be Rs. 3/- per page irrespective of number of words/lines in each page.

25. Interim Orders

The Commission may pass such interim orders, as the Commission may consider appropriate at any stage of the proceedings.

Chapter III

Investigation, Inquiry, Collection of Information, etc.

26. Orders/directions by the Commission

- (i) The Commission may make such order or orders as it thinks fit for collection of information, inquiry, investigation, entry, search, seizure, and without prejudice to the generality of its powers in regard to the following:
 - (a) The Commission may, at any time, direct the Secretary or any one or more Officers or consultants or any other person as the Commission considers appropriate to study, investigate or furnish information with respect to any matter within the purview of the Commission under the Act.
 - (b) The Commission may for the above purpose give such other directions as it may deem fit and specify the time within which the report is to be submitted or information furnished.
 - (c) The Commission may issue or authorise the Secretary or an Officer to issue directions to any person to produce before it and allow to

be examined and kept by an Officer of the Commission specified in this behalf the books, accounts, etc. or to furnish information to the specified officer.

- (d) The Commission may, for the purpose of collecting any information, particulars or documents which the Commission considers necessary in connection with the discharge of its functions under the Act, issue such directions as may be considered necessary.
 - (e) If any such report or information obtained appears to the Commission to be insufficient or inadequate, the Commission or the Secretary or any Officer authorised for the purpose may give directions for further inquiry, report and furnishing of information.
 - (f) The Commission may direct such incidental, consequential and supplemental matters be attended to which may be considered relevant in connection with the above.
- (ii) In connection with the discharge of the functions under Regulation 26(i), the Commission may, if it thinks fit, direct a notice of inquiry to be issued and proceed with the matter in a manner provided under Chapter II of these Regulations.
 - (iii) The Commission may, at any time, take the assistance of any institution, consultants, experts and such other technical and professional person(s), as it may consider necessary, and ask them to study, investigate, inquire into any matter or issue and submit reports or furnish any information. The Commission may determine the terms and conditions for engagement of such professionals.
 - (iv) If the report or information obtained in terms of the above Regulations or any part thereof is proposed to be relied upon by the Commission for forming its opinion or views in any Proceedings, the parties to the Proceedings shall be given a reasonable opportunity for filing objections and making submissions on the report or information.

Chapter IV

Tariff Regulations

27. Application of tariff regulations

- (i) These regulations shall apply with the provisions of section 29 of the Act:
 - (a) to determine the tariff for electricity, wholesale, bulk, grid and retail, as the case may be, in the manner provided in section 29 of the Act;
 - (b) to determine tariff payable for the use of the transmission facilities in the manner provided in section 29 of the Act;
 - (c) to regulate power purchase and procurement process of the transmission utilities and distribution utilities including the price at which the power shall be procured from the generating companies, generating stations or from other sources for transmission, sale, distribution and supply in the State;
 - (d) to promote competition, efficiency and economy in the activities of the electricity industry to achieve the objects and purposes of the Act.
- (ii) Neither the Board nor the utilities for transmission (intra-state transmission), distribution and supply of power shall charge any tariff without prior approval of the Commission.
Provided that the existing tariff being charged by generating companies shall continue to be charged after the date of effect of these regulations for such period as may be specified by a notification without prejudice to the powers of the Commission to take up any matter relating to tariff falling within the scope of section 22 of the Act.
- (iii) Any transmission or distribution utility, henceforth proposing to procure and purchase power, including the price at which power may be purchased, from any Generating Company, Generating Station or from any other source, for transmission, distribution and supply in the State, shall take approval from the Commission, before entering into such contract.

- (iv) The Commission may from time to time, lay down guidelines for calculating the expected revenue from the permissible charges, and revenue and tariff filing.
- (v) Without prejudice to the generality of the powers of the Commission in determining the tariff of generation, transmission and distribution utilities, the Commission may keep in view while determining the tariff factors such as:
 - (a) the need to link tariff adjustments in the productivity of capital employed, manpower resources and improvements in efficiency of capital & resources as to safeguard the interests of the consumers;
 - (b) the need to rationalise tariffs on the basis of bench marked and performance based cost of generation, transmission and distribution;
 - (c) unbundling of such costs to enable rational allocation of costs;
 - (d) the need to transparently provide the appropriate incentives in a non-discriminatory manner, for a continuous enhancement in the efficiency of generation, transmission and distribution and up-gradation in the levels of service;
 - (e) the simulation of competitive conditions where markets do not exist and the progressive introduction of competitive conditions;
 - (f) the least cost adoption of environmental standards;
 - (g) the need for healthy growth of the industry;
- (vi) All petitions for approval of generating, transmission or distribution tariff or revision thereof shall be made strictly in accordance with the guidelines for revenue and tariff filing laid down by the Commission and shall also be in conformity with the requirements relating to petitions as prescribed in Chapter II.
- (vii) The Commission may at anytime frame separate Regulations, through notifications, for fixation of tariff in accordance with the guidelines under section 29(2) of the Act.
- (viii) The Commission shall also regulate charges payable to the State transmission utility/other utilities for wheeling power within the State.
- (ix) The Commission may work out appropriate incentive schemes for improved performance in generation, transmission and distribution utilities, which shall be notified from time to time.

- (x) The Commission may approve differential tariff linked to factors like time of day Metering (TOD) and payment terms with built in incentives for timely payment of bills.
- (xi) Board/Utilities shall submit tariff proposals in the form of petition based on the terms and conditions, provided in these Regulations. Such proposals should be submitted to the Commission at least three months before the date from which tariff is proposed to be enforced.
- (xii) The Commission shall invite objections/suggestions on the tariff proposals from the interested stakeholders and this shall be followed by grant of public hearings as may be deemed fit.
- (xiii) The Commission may get the books and records of the Board/Utilities concerned, examined by the officers and/or by consultants, as and when necessary. The report of the officers/consultants shall be made available to the parties concerned and they shall be given opportunity to react on the report in the manner as prescribed in clause 26(iv) of these Regulations.
- (xiv) The Commission may require the Board/Utilities to give such other information, particulars and documents as considered appropriate to enable the Commission to assess Board's/Utility's calculations.
- (xv) The Board/Utilities concerned shall publish the tariff as decided by the Commission, in the manner as may be provided in the order.
- (xvi) Board/Utility found to be charging a tariff different from the one decided by the Commission shall be deemed to have not complied with the directions of the Commission and shall be liable to penalties under sections 45 of the Act without prejudice to any other penalty to which it may be liable under any other Act. Any excess charges of tariff by Board/Utility in any year shall be dealt with as per the directions of the Commission.
- (xvii) In the event of variation in the fuel cost if any the Board/Utilities may make application to the Commission in terms of sub-section 2 (4) of section 29 of the Act for the amendment in the last tariff so as to adjust the same provisionally from the date of such application subject to final adjustment as per finalised accounts of the Board/Utility.
- (xviii) The Board/Utility shall submit periodic returns, as may be prescribed, containing operational and cost data to enable the Commission to monitor the implementation of its order and reassess the basis on which tariff was approved.

Chapter V

Licence

28. Application for licence

- (i) The Commission may, if considered appropriate advertise in newspapers or otherwise notify in such other appropriate manner as the Commission may decide inviting applications for grant of licence for Transmission or Supply of Electricity.
- (ii) The applications for transmission licence and supply shall be made in accordance with the provision of the Act and these regulations.
- (iii) Every application for a licence shall be signed by or on behalf of the applicant and addressed to the Secretary or such officer as the Commission may designate in this behalf and it shall be accompanied by;
 - (a) Ten copies, in print, of the draft licence as proposed by the applicant with the name and address of the applicant and of his agent (if any) printed on the outside of the draft.
 - (b) Five copies, each signed by the applicant, of maps of the proposed area of transmission or supply and, in the case of supply, of the streets or roads in which the supply of energy is to be made, which shall be so marked or coloured as to define any portion of such area and streets or roads which are under the administrative control of any local authority and shall be on a scale;
 - (i) of not less than 10 Centimeters to a Kilometer, or
 - (ii) if no such maps are available, of not less than that of the largest scale of maps available, or
 - (iii) on such other scales as may be approved by the Commission.
 - (c) a list of any local authorities invested with the administration of any portion of the area of supply;
 - (d) an approximate statement describing any lands which the applicant proposes to acquire for the purpose of the licence and the means of such acquisition;

- (e) an approximate statement of the capital proposed to be expended in connection with the utility and such other particulars as the Commission may require;
- (f) a copy of the Memorandum and Articles of Association, Annual Accounts for the last three years or other similar documents as may be required.
- (g) A receipt for such processing fee, as the Commission may require.

Copies of maps and draft licence for public inspection

- (i) The applicant shall deposit at his own office and of his agents (if any) and at the office of every local authority invested with the administration of any portion of the proposed area of supply;
 - (a) copies of the maps referred to in clause (b) of Regulations 28 (iii)(b) for public inspection, and
 - (b) a sufficient number of copies of the draft licence to be furnished to all persons applying for them at a price to be notified by the Commission from time to time.

30. Contents and Form of draft licence

- (i) The draft licence shall contain the following particulars;
 - (a) A short title descriptive of the proposed utility together with the address and description of the applicant and if the applicant is a company, the names of all the directors of the company;
 - (b) Type of licence applied for;
 - (c) Locations of the proposed service area
 - (d) A description of the proposed area; and
 - (e) Such other particulars as the Commission may specify.

(ii) Form of draft licence

The Commission may, from time to time, prescribe the form of licences to be issued and the licences may, with such variation as the circumstances of each case require, be used for the purposes of these Regulations.

31. Acknowledgement, notification of due filing and advertisement of the application

(i) Acknowledgement of application.

On receipt of the application, the receiving Officer shall note thereon the date of its receipt and shall send to the applicant an acknowledgement stating the date of receipt.

(ii) Notifying the due filing of the application

If the Commission finds the application to be complete, accompanied by the requisite information, particulars and documents, and finds that the applicant has complied with all the requirements for making the application and furnishing of information, particulars and documents, the Commission or the Secretary shall certify that the application is ready for being considered for grant of licence.

(iii) Advertisement of application and contents thereof

Unless exempted by the Act/Commission, the applicant shall, within fourteen days from the date of the application publish notice of his application by public advertisement, and such advertisement shall contain such particulars as the Commission may specify.

The advertisement shall be headed by a short title corresponding to that given at the head of the draft licence and shall give the addresses of the offices at which copies of maps therein referred to may be inspected and the copies of draft licence perused or purchased and shall state that every local authority, utility or person, desirous of making any representation with reference to the application to the Commission, may do so by letter addressed to Secretary or such Officer as the Commission may designate in this behalf, within three months of the date of issue of the first advertisement.

(iv) The Commission may direct that notice of the application be served on the State Government of Himachal Pradesh, the local authority or any other authority or person or body as the Commission may direct in such other manner, as the Commission may consider appropriate.

32. Calling for additional information

The Commission or the Secretary may upon scrutiny of the application, require the applicant to furnish within a period to be specified by it such additional information or particulars or documents as considered necessary for the purpose of dealing with the application.

33. Amendment of draft licence.

Any person who desires to have any amendment made in the draft licence shall deliver a statement of the amendment to the applicant and to Secretary or such Officer as the Commission may designate in this behalf- within the time allowed by the Commission for the submission of representations referring to the application.

34. Objections, Local Inquiries and Hearings:

- (i) Any person intending to object to the grant of the licence shall file objection within the time and in the manner provided for in these Regulations and as the Commission may direct. The objection shall be filed in the form of a reply and the provisions of Chapter II dealing with a reply shall apply to the filing of such objections.
- (ii) When applicable, the applicant shall apply for and obtain the no objection required from the State Government of Himachal Pradesh before the application can be placed for hearing before the Commission for grant of the licence.
- (iii) If the applicant has duly arranged for the publication of the notice of the intended application and the time for filing of the objection is over and after the applicant has furnished to the Commission the no objection, if required, from the State Government of Himachal Pradesh, the Commission may proceed to place the application for regular hearing.
- iv) The Commission shall give the notice of inquiry or hearing to the applicant, the persons who had filed objections, the Government of Himachal Pradesh and such other authority, person or body as the Commission considers appropriate.
- (v) If any person objects to the grant of a licence applied for under the Act,
 - (a) the Commission shall, if either the applicant or the objector so desires, cause a local inquiry to be held of which the notice in writing shall be given to both the applicant and objector.

Provided that, the Commission may refuse such an inquiry if in its opinion the objection is of a trifling or vexatious nature.

- (b) In case of such local inquiry a memorandum of results of the local inquiry made shall be prepared and shall be signed by the applicant, the Officer or person designated for the purpose and such other person as the Commission may direct.
- (iii) The hearing on the application for grant of licence shall thereafter proceed as far as possible in the same manner as provided in Chapter II.

35. Approval of draft licence

- (i) After inquiry if any and the hearing, the Commission may decide to grant or refuse the licence and if it decides to grant the licence it may do so by approving the draft licence with such modification, changes or additions and subject to such other terms and conditions as the Commission may direct.
- (ii) When the Commission has approved a draft licence either in its original form or in a modified form, Secretary or any other officer specified by the Commission, shall inform the applicant of such approval and of the form in which it is proposed to grant the licence and the conditions to be satisfied by the applicant including the fees to be paid for the grant of the licence.

36. Notification of grant of licence.

On receiving an intimation in writing from the applicant that he is willing to accept a licence in the form approved by the Commission and after the applicant satisfied the conditions specified for the grant of the licence, the Commission shall publish the licence or such part or gist thereof as the Commission considers appropriate.

37. Date of Commencement and duration of licence

The licence shall commence from the date, and be valid for the duration, that the Commission may specify at the time of issue thereof.

38. Deposit of maps and printed copies

- (i) When a licence has been granted, five sets of maps showing, as regards such licence, the particulars specified in Regulation 28 shall be signed and dated to correspond with the date of the notification of the grant of the

licence by Secretary or any other officer designated by the Commission. One set of such maps shall be retained as the deposited maps by the said Officer and the two sets given to the licensee.

(ii) Deposit of printed copies

- (a) Every person who is granted a licence shall within thirty days of the grant thereof:
 - (I) have adequate number of copies of the licence printed,
 - (II) have adequate number of maps prepared showing the area of supply specified in the licence.
 - (III) arrange to exhibit a copy of such licence and maps for public inspection at all reasonable times at his head office, at his local office (if any) and at the office of every local authority within the area of supply.
- (b) Every such licensee shall, within the aforesaid period of thirty days supply free of charge one copy of the licence and the relevant maps to every local authority within the area of supply and shall also make necessary arrangements for the sale of printed copies of the licence to all persons applying for the same, at a price to be notified by the Commission from time to time.

39. Preparation and submission of accounts.

- (i) Every licensee shall cause the accounts of his utility to be made up to the thirty-first day of March each year,
- (ii) Such licensee shall prepare and render an annual statement of his audited accounts in accordance with the provisions of the Act, within a period of six months from the aforesaid date, or such extended period as the Commission may authorise after it is satisfied that the time allowed is insufficient owing to any cause beyond the control of the licensee and the statement shall be rendered in such numbers of copies as the Commission directs.
- (iii) The accounts shall be made up in such forms as the Commission may direct from time to time. All the forms shall be signed by the licensee or his accredited and duly authorised agent or manager.
- (iv) The Commission may by special or general order direct that, in addition to the submission of annual statements of accounts in the forms as may be prescribed a licensee shall submit to the Commission or such other

authority as it may designate in this behalf such additional information as it may require for the purpose.

40. Model Conditions of Supply

- (i) The Commission may direct, from time to time, the model conditions of supply to be adopted by the licensee, with such variations as the Commission may direct and the licensee shall furnish to the Commission the finalized conditions of supply for approval.
- (ii) The licensee shall always keep in his office an adequate number of printed copies of the sanctioned conditions of supply and shall, on demand, sell such copies to any applicant at a price not exceeding normal photocopying charges.

41. Contravention of Licence

- (i) The Commission may pass such orders, as it thinks fit in accordance with Sections 44 to 45 of the Act for the contravention or the likely contravention of the licence terms or conditions by the licensee.
- (ii) Subject to the provisions of Sections 44 and 45 of the Act and the procedure prescribed therein the Commission may follow as far as possible the general procedure prescribed in Chapter II of these Regulations in dealing with a Proceeding arising out of contravention or likely contravention by a licensee.

42. Grant of exemption from licence

- (i) An exemption from licence shall be granted consistent with the provisions of the Act and in accordance with the regulations framed by the Commission from time to time.
- (ii) An application for exemption from the requirement to have a licence shall be made in the form prescribed for the purpose by the Commission, and the application shall contain such particulars and shall be accompanied by such documents as the Commission may direct. The application shall be supported by affidavit as provided in Chapter II of the Regulations.
- (iii) Unless otherwise specified in writing by the Commission, each application for exemption be accompanied by a receipt for such processing fee as the Commission may require.
- (iv) Unless otherwise specified in writing by the Commission, the procedure for grant of licence in so far it can be applied shall be followed while dealing with an application for exemption from requirement to have a

licence. Provided that the applicant for exemption shall apply for and obtain the no objection required from the local authority and the supply licensee as well as the State Government of Himachal Pradesh before the application is placed for hearing.

43. Revocation of the licence

- (i) The proceedings for revocation of the licence or for passing of any other orders shall be initiated by an order passed by the Commission which the Commission may initiate *suo moto* or on application of the licensee or on receiving any complaint or information from any person.
- (ii) The Commission may give notice of the Proceedings for the revocation of the licence to the licensee and to such other persons, authority or body as it may consider necessary.
- (iii) Subject to the provisions of Sections 44 and 45 of the Act and the procedure as may be prescribed, the inquiry by the Commission on the revocation of the licence in so far it is applicable, shall be in the same manner as provided in Chapter II of the Regulations : Provided that the licensee shall be given not less than three months notice in writing to show cause against the proposed revocation and the notice to show cause issued to the licensee shall clearly state the grounds on which the Commission proposes to revoke the licence.
- (iv) If the Commission decides to revoke the licence, the Commission shall issue the notice of revocation on the licence specifying the effective date from which such revocation shall take effect. The revocation of licence shall be in such form as the Commission may direct. The Commission may, at its discretion, order refund, in part, the annual licence fee in case of revocation of licence.
- (v) The Commission may instead of revoking the licence pass any Order imposing further terms and conditions subject to which the licence is permitted to operate thereafter.
- (vi) A licensee wishing to, apply or give consent for revocation or part revocation of his licence may make an application to the Commission. The Commission shall pass orders on such applications, after hearing the licensee and such other persons as it thinks fit. The procedure to be followed by the Commission on such application shall be as far as possible as provided in Chapter II of these Regulations.

44. Amendment of the licence granted

- (i) Application by the licensee or local authority concerned for alteration or an amendment to the terms and conditions of the licence granted, shall be made in such form as may be directed for the purpose by the Commission. The application shall be supported by affidavit as provided in Chapter II of the Regulations.
- (ii) Unless otherwise specified in writing by the Commission each application for an amendment or alteration in the licence shall be accompanied by a receipt of such fee as the Commission may require, paid in the manner directed by the Commission.
- (iii) Unless otherwise specified in writing by the Commission, the procedure prescribed in these Regulations for grant of licence, in so far it can be applied, shall be followed while dealing with an application for amendment or alteration of the licence.

45. Regulation of licensee's purchase of power

- (i) The licensee shall file with the Commission in complete form copies of all Power Purchase Agreements already entered into by the licensee.
- (ii) The Commission shall be entitled to direct that the licensees shall establish to the satisfaction of the Commission that the purchase of power by the licensees is under a transparent power purchase procurement process and is economical and the power is necessary for the licensee to meet its service obligation.
- (iii) The licensee shall apply to the Commission to approve the draft Power Purchase agreement that the Licensee proposes to enter into. The Commission may pass orders:
 - (a) approving the agreement; or
 - (b) approving the agreement with modifications proposed to the terms of the agreement; or
 - (c) rejecting the agreement.
- (iv) The provision of Clauses (ii) and (iii) above or any action taken therein shall not, in any manner, prejudice the exercise of functions and powers of the Commission under any of the other provisions of the Act, the Regulations and orders to be issued from time to time.

Note: All Regulations under Chapter V shall remain inoperative until such time the functions under sub-section (2) of Section 22 of the Act are conferred by the State Govt. on the Commission.

Chapter VI

Arbitration of disputes

46. Commencement of arbitration process

- (i) The arbitration of disputes between licensees and utilities under sub-section 2(n) of Section 22 or disputes involving generating companies or transmission and distribution utilities in regard to matters connected with sub-section 1(a), (b) and (c) of Section 22 of the Act may be commenced by the Commission either on the application of any of the licensees or persons concerned.
- (ii) The Commission shall issue notice to the concerned parties and in the matter to such persons as the Commission considers appropriate to show cause as to why the disputes between the licensees or the matters as specified in the notice should not be arbitrated.

47. Nomination of arbitrator

- (i) The Commission may, after hearing the parties to whom notices have been issued and if satisfied that no reason or cause has been shown against the proposed arbitration, pass an order directing that the disputes or the matter be referred for adjudication and settlement through arbitration either by the Commission or by a person or persons to be nominated by the Commission.
- (ii) If the Commission decides to refer the matter to arbitration by a person or persons other than the Commission the reference shall be:
 - (a) to a sole arbitrator if the parties to the dispute agree on the name of the arbitrator; or
 - (b) if the parties are unable to agree on the name of a sole arbitrator to be designated by the Commission or to three persons as the Commission may direct taking into account the nature of the disputes and the value involved. If the decision is to refer to three arbitrators, one shall be nominated by each of the parties to the dispute and the third by the Commission.

Provided that if any of the parties fails to nominate the arbitrator or if any of the arbitrator nominated by the parties or the Commission fails or neglects to act or to continue as arbitrator, the Commission shall be entitled to nominate any other person in his place.

- (iii) The Commission shall not nominate a person as arbitrator to whom any of the licensees or the other concerned person(s) in the arbitration has a reasonable objection on grounds of possible bias or similar reasons, if the Commission considers the objection to be valid and justified.
- (iv) In case the Commission acts as the arbitrator the procedure for adjudication and settlement to be followed shall be as far as possible the same as in the case of hearing before the Commission provided for in Chapter II above.
- (v) In case the Commission nominates an arbitrator or arbitrators to adjudicate and settle the dispute, such arbitrator or arbitrators shall follow the practice or procedures as laid down in the Arbitration and Conciliation Act 1996.

48. Procedure for arbitration

- (i) The arbitrator after hearing the parties shall pass a speaking award giving reasons for the decision on all issues arising for adjudication and forward the award to the Commission within such time as the Commission may specify.
- (ii) The Commission shall give notice of the award given by arbitrator or arbitrators appointed by the Commission to the parties concerned and shall give an opportunity to the parties to file objection to the award and reply to the objections within such time as the Commission may direct.
- (iii) The Commission shall proceed to hear the parties on the award. The procedure to be followed by the Commission shall be as far as possible the same as in the case of hearing before the commission provided for in Chapter II of these Regulations above, provided that the hearing shall be confined to the objections raised to the award given by the arbitrator.
- (iv) The Commission shall be entitled to pass appropriate orders, as it thinks fit after giving an opportunity for hearing to the parties.
- (v) The cost of arbitration and proceedings before the Commission shall be borne by such parties and in such sums as the Commission may direct.
- (vi) The practice or procedure to be followed in connection with any such adjudication or settlement shall be the same as laid down in the Arbitration and Conciliation Act, 1996.

Note:- Regulations under Chapter VI "Arbitration of Disputes" shall remain inoperative until such time the State Govt. of Himachal Pradesh confers

the functions under sub-section 2(n) of Section 22 of the Act in so far as they relate to sub-section 2(n) of Section 22.

Chapter VII

Fees & Fines

49. Fees on applications or petitions

- (i) Every petition, application or complaint made to the Commission shall be made by payment of the appropriate fees specified in the Schedule to these regulations.
- (ii) The fees payable under these regulations shall be paid by means of bank draft or pay order, drawn in favour of the Secretary, Himachal Pradesh Electricity Regulatory Commission, payable at Shimla.
- (iii) The fees received by the Secretary of the Commission under these regulations shall be deposited in a bank account to be maintained by the Commission at such Bank and in such Branches as the Commission may direct from time to time.

50. Fees payable on licence

- (i) The Commission may while granting a licence or an Exemption to undertake the business of transmission or supply of electricity including bulk supply of electricity or any other order granting any privilege to any person may specify the fee payable at the time of the grant of licence or privilege and thereafter on an annual or such periodic basis as the Commission may specify in the order granting license or privilege or in a separate order that may be passed by the Commission.
- (ii) The existing licensee or exempt holder shall pay; the annual fee for the; financial year 2001-2002 onwards as specified in the Schedule and shall not be required to pay any initial fees or fee for financial year upto 2000-2001.
- (iii) Until otherwise specified, the fees payable for grant of license or exemption, shall be specified in the schedule to these Regulations.
- (iv) The fees shall be payable and the amount shall be deposited in the same manner as specified in Regulation 49.

Note:- Regulation 50 shall remain in-operative until such time the functions under sub section (2) of Section 22 of the Act are conferred upon the Commission by the State Government of Himachal Pradesh.

51. Fines and Charges for non-compliance or violation

- (i) Subject to the provisions of Electricity Regulatory Commissions Act, 1998; the Commission may initiate a proceeding for imposition of fines and/or charges in the event of non-compliance of orders or direction given under the said Act as provided in Sections 44 and 45 of the Act for any contravention of any direction issued by the Commission under the Act or rules or regulations made thereunder.
- (ii) The provisions of Chapter II, applicable to the proceedings, shall apply *mutatis mutandis* to a proceeding for imposition of fines and/or charges.
- (iii) While determining the quantum or extent of the fines and/or charges to be imposed, the Commission shall consider, amongst other relevant things, the following:
 - (a) the nature and extent of non-compliance or violation,
 - (b) the amount of wrongful gain or unfair advantage derived as a result of the non-compliance or violation,
 - (c) the amount of loss or degree of harassment caused to any person(s) as a result of the non-compliance or violation, and
 - (d) the repetitive nature of the non-compliance or violation.
- (iv) The fines or charges imposed by the Commission shall be paid, unless otherwise specified by the Commission, within 30 days of the date of the order of the Commission imposing the fines or charges.
- (v) The fines and charges shall be payable and the amount deposited in the same manner as specified in Regulation 49.
- (vi) Amendment of the Regulations

The Commission shall be entitled from time to time to add, amend, alter or vary the amounts of fees payable as provided in the Schedule to these regulations by an order to be made by the Commission.

52. Time Limit for disposal of petitions

The Commission may normally dispose off the petitions finally within such time of admission as may be prescribed by the Commission.

Chapter VIII

Miscellaneous

53. Continuance of Proceeding after death, etc.

- (i) Where in any Proceeding any of the parties to the Proceedings dies or is adjudicated as an insolvent or in the case of a Company under liquidation/winding up, the Proceedings shall continue with the successors-in-interest, the executor, administrator, receiver, liquidator or other legal representative of the party concerned.
- (ii) The Commission may, for reasons to be recorded, treat the Proceedings as abated, in case the Commission so directs, and dispense with the need to bring the successors-in-interest, etc. on the record of the case.
- (iii) In case any person wishes to bring on record the successors-in-interest, etc. the application for the purpose shall be filed within 90 days from the event requiring the successors-in-interest to come on record.

54. Proceedings to be open to public

- (i) The Proceedings before the Commission shall be open to the public.

Provided that the Commission may, if it thinks fit, and for reason to be recorded in writing, order at any stage of the Proceedings of any particular case that the public generally or any particular person or group of persons shall have restricted access to proceedings.
- (ii) Punishment for offering insult or causing interruption
 - (a) In accordance with section 228 of the Indian Penal Code, 1860, who ever intentionally offers any insult or causes any interruption in any of the proceedings of the Commission, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to Rs. 1,000 or with both.

- (b) In accordance with section 345 of the Criminal Procedure Code, 1974, whoever intentionally offers any insult or causes any interruption in the presence of the Commission, the Commission may cause the offender to be detained in custody and may at any time before the rising of the Bench on the same day take cognizance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to fine not exceeding Rs. 200 and in default of payment of fine, simple imprisonment for a term which may extend to one month unless such fine be sooner paid.
- (iii) If the Commission in any case as referred to in the above Regulation considers that a person accused of any of the offences referred to thereunder and committed in its view or presence should be imprisoned otherwise than in default of payment of fine or a fine exceeding Rs. 200/- should be imposed on him or if the Commission is, for any other reason, of opinion that the case should not be disposed off by it under Regulation 54 (ii) it may forward the case to a Magistrate having jurisdiction to try the same and may require security be given for the appearance of such person before such Magistrate or if sufficient security is not given, shall forward such person in custody to such Magistrate.

55. Publication of petition

- (i) Where any application, petition, or other matter is required to be published under the Act or these Regulations or as per the directions of the Commission, it shall, unless the Commission otherwise orders or the Act or Regulations otherwise provide, be published not less than 7 days before the date fixed for hearing.
- (ii) Except as other wise provided, such publication shall give a heading describing the subject matter in brief.
- (iii) Such publication to be published shall be approved by the Officer of the Commission designated for the purpose.

56. Inspection of Commission's Records and Confidentiality

- (i) Records of the Commission, except those parts which for reasons specified by the Commission are confidential or privileged, shall be open to inspection by all, subject to the payment of fee and complying with the terms as the Commission may direct.

- (ii) The Commission may, on such terms and conditions as the Commission considers appropriate, provide for the supply of the certified copies of the documents and papers available with the Commission to any person.
- (iii) The Commission may, by order, direct that any information, documents and other papers and materials produced before the Commission or any of its Officers, consultants, representatives or otherwise which may be, or come into, their possession or custody, shall be confidential or privileged and shall not be available for inspection or supply of copies, and the Commission may also direct that such document, papers, or materials shall not be used in any manner except as specifically authorised by the Commission.

57. Issue of orders and directions on procedures

Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed and various matters, which the Commission has been empowered by these Regulations to specify or direct.

58. Saving of inherent power of the Commission

- (i) Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.
- (ii) Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Act a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- (iii) Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

59. General power to amend

The Commission, may at any time and on such terms as to costs or otherwise, as it may think fit, amend any defect or error in any Proceedings before it, and all necessary amendments shall be made for the purpose of determining the real question or issue arising in the Proceedings.

60. Power to remove difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, do anything not being inconsistent with the provisions of the Act, which appears to it to be necessary or expedient for the purpose of removing the difficulties.

61. Extension of abridgement of time prescribed

Subject to the provisions of the Act, the time prescribed by these Regulations or by order of the Commission for doing any Act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission.

62. Effect of non-compliance

Failure to comply with any requirement of these Regulations shall not invalidate any Proceeding merely by reason of such failure unless the Commission is of the view that such failure has resulted in miscarriage of justice.

63. Cost

- (i) Subject to such conditions and limitation as may be directed by the Commission, the cost of and incidental to, all Proceedings shall be awarded at the discretion of the Commission and the Commission shall have full power to determine by whom or out of what funds and to what extent such costs are to be paid and give all necessary directions for the aforesaid purposes.
- (ii) The costs shall be paid within 30 days from the date of the order or within such time as the Commission may, by order, direct. The order of the Commission awarding costs shall be executed in the same manner as the decree/order of Civil Court.

64. Enforcement of orders passed by the Commission

The Secretary shall ensure enforcement and compliance of the orders passed by the Commission, by the persons concerned in accordance with the provisions of the Act and Regulations and if necessary, may seek the orders of the Commission for directions.

By order
Sd/-

One Member Commission

SCHEDULE

**Fees Structure
(Regulation 49 and 50 CBR)**

S.No	Nature of Application/Petition	Statutory Provision(s)	Fee (in Rs.)
	Part A: Grant of/Exemption from licence		
1	Processing Fees to accompany Supply Licence Application	ERC Act : 22(2)(d) CBR 28	Rs.1,00,000(Rs. One Lakh) to be adjusted against Fees due for grant of licence, in the event that licence is granted.
2	Processing Fees to accompany Transmission Licence Application	ERC 22(2)(d) CBR 28	Rs.1,00,000 (Rs. One Lakh) to be adjusted against Fees due for grant of licence, in the event that licence is granted.
3	Fees payable for grant of Supply Licence.	CBR 28	0.05 per cent of the amount billed during the previous financial year in the supply area of the licensee, payable initially at the time of grant of licence, and annually in each subsequent year during validity of the licence, by similar calculation.
4	Fees payable for grant of Transmission Licence	CBR 28	Rs.50 lakh (Rs. Fifty Lakh) payable initially at the time of grant of licence, and annual payments of similar amount in each subsequent year during validity of the licence.
5	Fees payable for grant of exemption of licence and for processing applications/petitions.	CBR 42	Fees as may be specified on case to case basis at the time of filing of application/petition or at other appropriate time.
	Part-B Tariff Setting and Power Purchase		
1	Petition/Application for determination of tariff for the use of Transmission facilities.	ERC Act 22(1)(b)	Rupees three lakhs.
2	Petition/Application for determination of wholesale bulk grid and retail supply tariff.	ERC Act 22 (1)(a)	Paise two for every 20 Kwh. Sent out.
3	Petition/Application for approval of Power Purchase or Procurement process.	ERC Act 22(1) ©	Rs.15,000/- per MW or part thereof (Rs. Fifteen thousand per MW)
	Part-C Miscellaneous		
1	Complaint against the working of a Utility by the end-user/consumer	-	Rs.Nil
2	Application for inspection of orders/Records of the Commission	CBR 23	Rs.100 (Rupees One hundred) per day
3	Application for obtaining certified copies	CBR 24	Rs.3/- (Rupees three) per page
4	Application for entertaining and adjudicating disputes and differences between the licensees and the utilities, and review petitions/applications in this regard.	CBR 48	To be fixed on case to case basis depending on the extent of work involved.
5	Interlocutory application	-	Rs.25,000/- (Rupees Twenty-five thousand only)
6	Miscellaneous applications i.e. application not covered by any other listed category.	-	To be fixed on case to case basis depending on the extent of work involved.

ANNEXURE II
FORM CB – 2
General Heading for Proceedings
(Regulation 13, CBR)

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
SHIMLA.

FILING NO:

CASE NO:

(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full addressed of the petitioners/applicants and names and full addressed of the respondents)

ANNEXURE III

FORM CB-3

(Regulation 14, CBR)

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION
SHIMLA.

FILING NO:

CASE NO:

(To be filled by the Office)

IN THE MATTER OF:

(Gist of the purpose of the Petition or application)

AND

IN THE MATTER OF:

(Names and full address of the petitioners/applicants and names and full addresses of the respondents)

Affidavit verifying the Petition/reply/application

I, son of aged
 residing at do solemnly affirm and
 say as follows:

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/partner of the petitioner/applicant/respondent in the above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit.
2. The statements made in paragraphs of the Petition/application/reply herein now shown to me and marked with the letter "A" are true to my knowledge and the statements made in paragraphs are based on information received from (indicate source) and I believe them to be true.

Deponent

I Solemnly affirm at on this day of that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Witness:

Deponent

ANNEXURE IV

FORM CB - 4
(Regulation 15, CBR)

Before the Himachal Pradesh Electricity Regulatory Commission
Shimla.

IN THE MATTER OF:

Petition No:

.....

Petitioner

V/s

.....

Respondent(s)

Memo of Appearance

I, practicing/working as having been authorised
by (furnish the particulars of the person authorising),
hereby enter appearance on behalf of and undertake to plead and act for him/
it in all matters in the aforesaid case.

Place: _____

Date: _____

Signature & Designation

Address for correspondence:

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

SHIMLA-171 004

Sl. No	Diary No.	Date of Filing	Petition/ Application No.	Name & address Of the petitioner	Name & Address of the respondents.	Subject matter of the petition/ Application	Date of admission.	Particulars of Interim order passed, if any	Date and particulars of final order	Details of Appeal if any Filed in the High Court.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

Annexure VI
FORM CB-6
(Regulation 15, CBR)

Himachal Pradesh Electricity Regulatory Commission
Shimla-171 004

No. December.....2000

Sub: Petition under Section 22 of the Electricity Regulatory Commissions
Act, 1998.

In the Matter of.....

Dear Sir,

I am directed to refer to your petition/application dated.....filed on on the above subject and to inform you that on scrutiny, the following defects have been pointed out:

1. The petition is not in the form prescribed in Chapter II of the HPERC, Conduct of business Regulations.
2. The names, descriptions and addresses of the parties have not been furnished in the cause title.
3. The following necessary parties have not been impleaded:
 - a)
 - b)
 - c)
4. The petition has not been duly signed.
5. The petition has not been verified through an affidavit.
6. The affidavit is not on the form prescribed in Chapter II of the HPERC, CBR.
7. The affidavit has not been signed and sworn before the competent authority.
8. Ten copies of the petition have not been filed.
9. The copies of the petitions are not complete in all respects.
10. The copies of the documents are not legible and duly attested.
11. Translation, in English/Hindi/any other language recognised by the Commission, has not been filed.
12. Authenticity of the translation of the documents, in English/Hindi/any other language recognised by the Commission, has not been furnished.
13. The Vakalatnama/letter of authorisation has not been filed.
14. The Vakalatnama is not properly executed and necessary court fee has not been paid.

15. The prescribed fee for the petition/application has not been paid.
16. The index of documents has not been filed.
17. The pagination of the documents has not been done properly

You are requested to rectify the defects within three weeks of issue of his letter, failing which the petition shall be deemed to have been rejected.

Yours faithfully,

Registrar

Annexure VII
Form CB-7
(Regulation 23, CBR)

Himachal Pradesh Electricity Regulatory Commission
Shimla- 171 004

Petition No.

..... Petitioner

V/S

..... Respondent(s)

Application for Inspection of Documents/ Records

I hereby apply for grant of permission to inspect the documents/records in the above case. The details are as follows;

1. Name & address of the person seeking permission
2. Whether he is party to the case or he is the authorised representative of any party. Furnish necessary particulars.
3. Details of papers/documents sought to be inspected.
4. Purpose for seeking inspection.

5. Date and duration of the inspection sought.
6. The amount of fee payable and the mode of payment.

Place:

Date:

Signature

Office use

Granted inspection on/Rejected

Secretary

Annexure VIII
Form CB-8
(Regulation 23, CBR)

Himachal Pradesh Electricity Regulatory Commission
Shimla-171 004

Register for inspection of Records

No	Name of the applicant	Date of application	Records to be inspected	Purpose of inspection	Amount paid with particulars of Demand Draft/Pay order No. Date, Bank	Date on which inspected	Official in whose presence the record inspected	Signature of all person inspecting the records	Remarks
1	2	3	4	5	6	7	8	9	10

Annexure IX

Form CB-9

(Regulation 24, CBR)

Himachal Pradesh Electricity Regulatory Commission
Shimla- 171 004

Petition No.

..... Petitioner

V/s.

..... Respondent(s)

Application for grant of certified copy

1. Name & address of applicant
2. Whether the applicant is party to the case
3. Whether the case is pending or disposed of
4. Description with date of the documents of which copy is applied for
5. No. of copies required
6. Amount of fee remitted and mode of payment

Signature

For office use

Granted/Rejected
Additional copying fee
Payable/Paid and details thereof

Secretary

Form: CB-10
(Regulation 24. CBR)
ANNEXURE -X

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

SHIMLA-171 004

Register of Copy Applications

Sl. No	Date of application	Name of the Applicant	Petition No.	Particulars of the document whose copy is required	Amount received.	Particulars of DD/Pay Order No., Date & Bank	No. of pages	Addl. Amount & particulars of DD/Pay Order	Date of preparation	Date of delivery	Signature of the person receiving	Remarks
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